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Counsel for Defendant POWELL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENNIE POWELL JR.,

Defendant.

Case No.: CR 21-070 RS

STIPULATION AND ORDER
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT, REQUESTING
TO CONTINUE HEARING, AND
SETTING BRIEFING SCHEDULE

Bennie Powell Jr. is scheduled to appear for a change of plea hearing on Monday, August 16, 2021 at 1:00 p.m. The defense has informed the government that they intend to file a motion to suppress and the parties have conferred about a proposed briefing and hearing schedule. The proposed schedule is as follows: defense motion due by September 28, 2021, government response due by October 12, 2021, defense reply due by October 19, 2021, and motion hearing on October 26, 2021. The parties therefore jointly request to vacate the hearing on August 16, 2021, and set the matter for a motion hearing on October 26, 2021, or as soon thereafter the Court is available.

The parties further stipulate and request that, under the Speedy Trial Act, the Court exclude the time from August 16, 2021, to October 26, 2021. Mr. Powell and his counsel are investigating and reviewing discovery produced by the government. An exclusion is therefore appropriate under 18 U.S.C. § 3161(h)(7)(B)(iv), effective preparation of counsel, taking into account the exercise of due diligence. An exclusion of time from August 16, 2021, to October 26, 2021, is also appropriate under 18 U.S.C. § 3161(h)(7)(B)(iv), as the ends of justice served the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial. Furthermore, from the time the pretrial motion is filed through the disposition of such motion will be excluded under 18 U.S.C. § 3161 (h)(1)(D).

IT IS SO STIPULATED.

August 13, 2021
Dated

STEPHANIE HINDS
Acting United States Attorney
Northern District of California

/S

YOOSUN KOH
Assistant United States Attorney

August 13, 2021
Dated


GEOFFREY HANSEN
Acting Federal Public Defender
Northern District of California

/S

SOPHIA WHITING
Assistant Federal Public Defender

IT IS SO ORDERED.

August 13, 2021
Dated


THE HONORABLE RICHARD SEEBORG
United States District Judge